



PATENT & TRADEMARK
OFFICE

02/16/2004 SDIRETA1 00000012 09739503

01 FC:2202 27.00 OP

February 5, 2004

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2/18/2004
Patents, Trademarks,
Copyrights, Trade Secrets,
Licensing, and
Related Litigation

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Stephen A. Herrera*
Jennifer K. Stewart*

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Mail Stop 16
Director of the USPTO
P.O. Box 1450
Alexandria, VA 22313-1450

**Re: Petition for Refund
U.S. Patent Application
Serial No.: 09/739503
C&B Ref. No.: 2986-003
Filed: December 19, 2000
GOLF ROUND DATA SYSTEM WITH CELLULAR TELEPHONE AND PLAYER
HELP FEATURES**

Adjustment date: 02/16/2004 SDIRETA1
03/12/2003 LMORGAN 00000002 181167 09739503
01 FC:2202 150.00 CR

Our office has been notified that you charged our deposit account \$102 on January 23, 2004 for the above-identified matter. We believe this amount has been charged in error and request that you reimburse our deposit account 18-1167 for \$102.

We filed an RCE with an amendment and a one-month time extension on January 20, 2004. In the amendment, we added three dependent claims. We enclosed a check in the amount of \$467 which covered the small entity fees for the RCE, the one-month time extension, and three new dependent claims. However, the Patent Office calculated fees for a large entity and charged us the difference. Therefore, we should be reimbursed \$102 because the fees should have been calculated as a small entity.

The Patent Office also still owes us \$150 for a previous mistake. It appears that our Deposit Account was erroneously charged \$150 on March 12, 2003 to cover the difference between a one-month and two-month time extension. The Patent Office incorrectly calculated that a two-month extension of time was needed when only a one-month extension of time was needed. We paid the correct fee for a one-month extension of time.

The Patent Office issued a Final Office Action regarding the above-identified matter on October 18, 2002. Counsel for Applicant prepared a response to that Final

Adjustment date: 02/18/2004 SDIRETA1 09739503
03/23/2004 LMORGAN 00000003 181167 -27.00 OP
03 FC:2201 102.00 CR

PATENT & TRADEMARK
OFFICE

Office Action and deposited the response as First Class mail on December 18, 2002. As the response was deposited within two months of the date of the Final Office Action, the two-month rule applies. We received an Advisory Action from the Patent Office dated January 22, 2003 and filed an RCE with a request and adequate funds for a one-month extension of time on February 21, 2003.

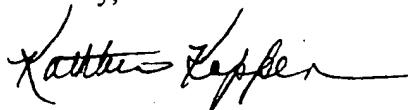
Because the mailing date of the Advisory Action occurred later (January 22, 2003) than the date for reply set forth in the final rejection (January 18, 2003), and because the two-month rule applies, our office had until February 22, 2003 to file the RCE with a request for a one-month time extension. The PTO erroneously charged our account an additional \$150, possibly because the wrong box was checked in the Advisory Action. As proof, we hereby submit copies of the Monthly Statement of Deposit Account, the return postcard sent with the RCE mailed February 21, 2003 and stamped by the Patent Office as having been received on February 27, 2003, and the first two pages of both the Final Office Action and the Advisory Action showing the dates mailed and the incorrect box checked for the "Period for Reply" on the Advisory Action.

Accordingly, we respectfully request that the Patent Office reimburse Deposit Account 18-1167 for \$150 and also for \$102

\$ 252,00

Please contact me if you have any questions.

Sincerely,



Kathleen F. Koppen

Encl



**United States
Patent and
Trademark Office**

PATENT & TRADEMARK
OFFICE

77TH ST. & F ST. NW

U.S. PATENT & TRADEMARK
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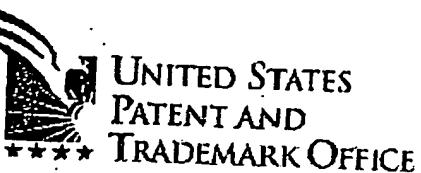
Deposit Account Statement

Requested Statement Month: January 2004
Deposit Account Number: 181167
Name: RHODES COATS & BENNETT LLP
Attention: ATTN: TAMIS PURDUE
Address: 909 GLENWOOD AVENUE P O BOX 5
City: RALEIGH
State: NC
Zip: 27602

DATE	SEQ	POSTING REF-TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
01/02	71	10054303	4867-001	2202	\$2.00	\$6,790.00
01/05	7	PCT/US03/33452		9204	-\$250.00	\$7,040.00
01/05	129	E-REPLENISHMENT		9203	-\$174.00	\$7,214.00
01/06	203	10139543		2501	\$665.00	\$6,549.00
01/06	204	10139543		1504	\$300.00	\$6,249.00
01/08	11	E-REPLENISHMENT		9203	-\$715.00	\$6,964.00
01/23	5	09739503	P-2986.003	2201	\$102.00	\$6,862.00

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$6,792.00	\$1,069.00	\$1,139.00	\$6,862.00

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Deposit Account Statement

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Requested Statement Month: March 2003
Deposit Account Number: 181167
Name: RHODES COATS & BENNETT LLP
Attention: ATTN: TAMIS PURDUE
Address: 909 GLENWOOD AVENUE P O BOX 5
City: RALEIGH
State: NC
Zip: 27602

DATE SEQ	REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
03/04 53	10375989	4740-175	1001	\$750.00 ✓	\$3,366.00
03/04 54	10375989	4740-175	1202	\$612.00 ✓	\$2,754.00
03/07 17	09094140 4015-	1280.00057	1201	-\$160.00 X	\$2,914.00
03/07 18	09094140 1228	1280.00057	1201	\$80.00 X	\$2,834.00
03/07 445	PCT/US03/06185	4287-017	8007	\$36.00 ✓	\$2,798.00
03/10 5	09391269	P-4015.457	1251	\$110.00 ✓	\$2,688.00
03/12 1	09769995	4015-927	1251	\$110.00 •	\$2,578.00
03/12 2	09739503	P-2986.003	2252	\$150.00 ★	\$2,428.00
03/12 193	976424	4015-2213	8014	\$25.00 ✓	\$2,403.00
03/12 196	976426	4015-2212	8014	\$25.00 ✓	\$2,378.00
03/14 3	PCT/US03/03206	4726-009	9204	-\$250.00 ✓	\$2,628.00
03/14 167	09770787	3046-035	2801	\$375.00 ✓	\$2,253.00
03/27 87	09261209	(027575-212	1251	-\$110.00 X	\$2,363.00
		4015-3028			
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\$4,116.00					

PATENT & TRADEMARK OFFICE

2001 FEB 12 2003

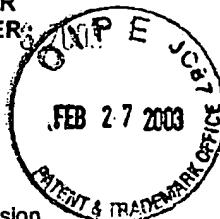
US PATENT & TRADEMARK
OFFICE

In Re Application of:
Reeves
Serial No.: 9/739503
Filed: December 19, 2000

For: **GOLF ROUND DATA
SYSTEM WITH CELLULAR
TELEPHONE AND PLAYER
HELP FEATURES**

PAPERS SENT:

1. RCE Transmittal
2. Amendment
3. Request for Time Extension
(1 month)
3. Check #8487 for \$430
\$375 for RCE
\$55 for 1 mo. ext. of
time
4. Postcard



Matter ID: 2986-003
Date Mailed: February 21, 2003



UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT AND TRADEMARK OFFICE

2986-003
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,503	12/19/2000	G. George Reeves	P-2986.003	3128

24112 7590 01/22/2003

COATS & BENNETT, PLLC
P O BOX 5
RALEIGH, NC 27602US PATENT & TRADEMARK
OFFICE

EXAMINER

JONES, SCOTT E

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 01/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

ADVISORY
ACTION

Advisory Action	Application No.	Applicant(s)
	09/739,503	REEVES, G. GEORGE
	Examiner Scott E. Jones	Art Unit 3713

-The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

THE REPLY FILED 18 December 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) The period for reply expires 3 months from the mailing date of the final rejection.
- b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. The proposed amendment(s) will not be entered because:
 - (a) they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) they raise the issue of new matter (see Note below);
 - (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. Applicant's reply has overcome the following rejection(s): _____.
4. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-51, and 81-93.

Claim(s) withdrawn from consideration: _____.

8. The proposed drawing correction filed on _____ is a)a) approved or b) disapproved by the Examiner.
9. Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. Other: _____



UNITED STATES PATENT AND TRADEMARK OFFICE

2986 003
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,503	12/19/2000	G. George Reeves	P-2986.003	3128

24112 7590 10/18/2002

COATS & BENNETT, PLLC
P O BOX 5
RALEIGH, NC 27602

EXAMINER

JONES, SCOTT E

ART UNIT PAPER NUMBER
3713

DATE MAILED: 10/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PATENT DOCUMENT
SEARCHED INDEXED
SERIALIZED FILED
10/18/2002
US PATENT & TRADEMARK
OFFICE

DOCKETED

OCT 24 2002

Office Action Summary	Application No.	Applicant(s)
	09/739,503	REEVES, G. GEORGE
	Examiner Scott E. Jones	Art Unit 3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 July 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-93 is/are pending in the application.
- 4a) Of the above claim(s) 52-80 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-51, and 81-93 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____